

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: James A. Goerlich

Case No.: 15-22348

Judge: SLM

Debtor(s)

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original☒ Modified/Notice Required☒ Discharge Sought☐ Motions Included☐ Modified/No Notice Required☐ No Discharge SoughtDate: September
23, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 200.00 Monthly* to the Chapter 13 Trustee, starting on July 1, 2015 for approximately 25 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

■ Sale of real property

Description: 305 Kawameeh Drive, Union NJ 07083

Proposed date for completion: March 2016

□ Refinance of real property

Description:

Proposed date for completion:

□ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion:

d. □ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. □ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Russell L. Low 4745	Attorney Fees	3,500.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

American Honda Finance
Bank of America
Bank of America
Gm Financial

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

_____ x _____ Not less than _____ 100 percent

_____ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

*This plan is a step plan or has lumpsum payments as follows: \$200.00 per month for 24 months, then \$32,558.31 per month for 1 month

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: June 30, 2015.

Explain below **why** the Plan is being modified.

Debtor needs more time to sale the property.

Explain below **how** the Plan is being modified

Debtor needs more time to sale the property.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date September 23, 2016 /s/ Russell L. Low
Russell L. Low 4745
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 23, 2016 /s/ James A. Goerlich
James A. Goerlich
Debtor

Date: _____
Joint Debtor

Certificate of Notice Page 6 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 James A. Goerlich
 Debtor

Case No. 15-22348-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 3
 Total Noticed: 46

Date Rcvd: Sep 28, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 30, 2016.

db +James A. Goerlich, 305 Kawameeh Drive, Union, NJ 07083-8315
 cr ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: AmeriCredit, P.O. Box 183853, Arlington, TX 76096)
 cr Seterus, Inc. as the authorized subservicer for Fe, P.O. Box 2008,
 Grand Rapids, MI 49501-2008
 515598662 Ahesi/CitiMortgage Inc., Attention: Bankruptcy, PO Box 79022 MS 322, St. Louis, MO 63179
 515636389 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 515817315 Bank of America, P.O.Box 31785, Tampa, FL 33631-3785
 515598666 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170,
 Simi Valley, CA 93062-5170
 515598673 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Citibank Sd, Na, Attn: Centralized Bankruptcy, PO Box 20363,
 Kansas City, MO 64195)
 515598669 +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 515656215 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515598671 +Chase Bp Prvt Lbl, Po Box 15298, Wilmington, DE 19850-5298
 515598672 +Citi Flex, Citicorp/Centralized Bankruptcy, POBox 790040, Saint Louis, MO 63179-0040
 515598675 +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bankrup, PO Box 790040,
 Saint Louis, MO 63179-0040
 515598679 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
 515598681 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Corporation, Ford Motor Credit, PO Box 6275,
 Dearborn, MI 48121)
 515598689 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 515696151 +Midland Credit Management, Inc as agent for, Midland Funding LLC, PO Box 2011,
 Warren, MI 48090-2011
 515598690 +Oceanfirst Bank, 975 Hooper Ave, Toms River, NJ 08753-8320
 515598692 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282
 515598693 +Second Round Lp, 4150 Friedrich Lane Suit, Austin, TX 78744-1052
 515598695 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
 515598696 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir,
 Frederick, MD 21701)
 515706870 eCAST Settlement Corporation, assignee, of Citibank, N.A., POB 29262,
 New York, NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 28 2016 23:03:46 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 28 2016 23:03:43 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515598663 E-mail/Text: ebnbankruptcy@ahm.honda.com Sep 28 2016 23:03:52 American Honda Finance,
 PO Box 168088, Irving, TX 75016
 515633899 E-mail/Text: ebnbankruptcy@ahm.honda.com Sep 28 2016 23:03:52
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088, 866-716-6441
 515598676 +E-mail/Text: creditonebknotifications@resurgent.com Sep 28 2016 23:02:59 Credit One Bank,
 PO Box 98873, Las Vegas, NV 89193-8873
 515609720 E-mail/Text: mrdiscen@discover.com Sep 28 2016 23:02:44 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 515598677 +E-mail/Text: mrdiscen@discover.com Sep 28 2016 23:02:44 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 515598680 +E-mail/Text: mmbk@fenton-mcgarvey.com Sep 28 2016 23:02:43 Fenton & Mcgarvey,
 2401 Stanley Gault Pkwy, Louisville, KY 40223-4175
 515598683 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:55:42 GECRB/6th Ave Elec,
 Attention: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104
 515598684 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:56:10 GECRB/HealthCare,
 Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104
 515598685 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:55:44 GECRB/JC Penny,
 Attention: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104
 515598686 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:55:42 GECRB/Lowes,
 Attention: Bankruptcy Department, PO Box 103104, Roswell, GA 30076-9104
 515598687 E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:55:44 GECRB/Old Navy,
 Attn: Bankruptcy, PO Box 130104, Roswell, GA 30076
 515598688 +E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:56:36 GECRB/PC Richard,
 Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104
 515798009 E-mail/PDF: resurgentbknotifications@resurgent.com Sep 28 2016 22:55:57
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 515598691 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 28 2016 22:55:51
 Portfolio Recovery, Attn: Bankruptcy, PO Box 41067, Norfolk, VA 23541

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 3
Total Noticed: 46

Date Rcvd: Sep 28, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

515780388 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 28 2016 22:55:51
Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541
515750680 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 28 2016 22:56:41
Portfolio Recovery Associates, LLC, c/o Sears Premier Card, POB 41067, Norfolk VA 23541
515693620 E-mail/Text: bnc-quantum@quantum3group.com Sep 28 2016 23:03:35
Quantum3 Group LLC as agent for, Second Round Sub LLC, PO Box 788,
Kirkland, WA 98083-0788
516161895 +E-mail/Text: bnc-quantum@quantum3group.com Sep 28 2016 23:03:35
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788,
Quantum3 Group LLC as agent for, MOMA Funding LLC 98083-0788
516161894 E-mail/Text: bnc-quantum@quantum3group.com Sep 28 2016 23:03:35
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
515829409 E-mail/PDF: gecsed@recoverycorp.com Sep 28 2016 22:56:36 Synchrony Bank,
c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
515752798 +E-mail/Text: bncmail@w-legal.com Sep 28 2016 23:03:53 TD BANK USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank of America, N.A.
515598664* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance, PO Box 168088, Irving, TX 75016)
515598665* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance, PO Box 168088, Irving, TX 75016)
515628235* ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
(address filed with court: Americredit Financial Services, Inc., PO Box 183853,
Arlington TX 76096)
515636398* +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
Arlington, TX 76096-3853
515598667* +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170,
Simi Valley, CA 93062-5170
515598668* +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170,
Simi Valley, CA 93062-5170
515598674* ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
(address filed with court: Citibank Sd, Na, Attn: Centralized Bankruptcy, PO Box 20363,
Kansas City, MO 64195)
515598694* ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
(address filed with court: Shell Oil / Citibank, Attn: Centralized Bankruptcy,
PO Box 20363, Kansas City, MO 64195)
515598670* +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
515598678* +Discover Fin Svcs Llc, PO Box 15316, Wilmington, DE 19850-5316
515598682* ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
(address filed with court: Ford Motor Credit Corporation, Ford Motor Credit, PO Box 6275,
Dearborn, MI 48121)
515706871* eCAST Settlement Corporation, assignee, of Citibank, N.A., POB 29262,
New York, NY 10087-9262
TOTALS: 1, * 12, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 30, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0312-2

User: admin
Form ID: pdf901

Page 3 of 3
Total Noticed: 46

Date Rcvd: Sep 28, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 23, 2016 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor BANK OF AMERICA, N.A. bnicholas@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Robert P. Saltzman on behalf of Creditor Seterus, Inc. as the authorized servicer for
Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. dnj@pbslaw.org
Russell L. Low on behalf of Debtor James A. Goerlich rbear611@aol.com, lowlaw505@gmail.com
Sean M. O'Brien on behalf of Creditor Seterus, Inc. as the authorized servicer for Federal
National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. sobrien@flwlaw.com
TOTAL: 6